

LOUTH COUNTY COUNCIL



County of Louth (Presentation and Collection of Household Waste and Commercial Waste) Bye-Laws, 2008

Bye-Laws for the Collection, Storage and Presentation of Household and Commercial waste and to address other associated issues including the segregation of waste for recycling purposes and the promotion of high standards of waste management in apartment and other managed complexes.

MADE UNDER SECTION 35 OF THE WASTE MANAGEMENT ACT, 1996 AND PART 19 OF THE LOCAL GOVERNMENT ACT, 2001

Resolution passed by Members of Louth County Council at its meeting of 17th November 2008.

COUNTY OF LOUTH

BYE-LAWS FOR THE COLLECTION, STORAGE AND PRESENTATION OF WASTE AND CERTAIN RELATED WASTE MANAGEMENT MATTERS

Louth County Council in exercise of the powers conferred on it by virtue of Section 35 of the Waste Management Act, 1996, and Part 19 of the Local Government Act 2001 and in exercise of every other power in that behalf it enabling hereby makes the following Bye-Laws for the Collection, Storage and Presentation of Household and Commercial Waste and to address other associated issues including the segregation of waste for recycling purposes and the promotion of high standards of waste management in apartment and other managed complexes.

NOW BE IT KNOWN THAT Louth County Council hereby make the following Bye-Laws

PART 1

Preliminary

1. **Short Title** These Bye-Laws may be cited as the County of Louth (Presentation and Collection of Household Waste and Commercial Waste) Bye-Laws, 2008
2. **Commencement of Byelaws** These Bye-Laws shall come into operation on the 17th day of December 2008.
3. **Area of Application** These Byelaws apply to the area comprising the County of Louth to include the areas within the town boundaries of Dundalk, Drogheda and Ardee.
4. **Interpretation** Throughout these Bye-Laws, the following words and expressions shall have the meanings hereinafter respectively assigned to them, unless the context otherwise require, that is to say:

"Apartment" includes a flat and means a self-contained dwelling unit in a building or campus that comprises a number of such units.

"Apartment Complex" means any building designed for use and used as two or more separate flats or apartments or any campus consisting of apartment dwelling units which share common service.

"Approved waste disposal facility" means a landfill site which is licensed by the Environmental Protection Agency.

"Authorised Person" means an "authorised person" within the meaning of Section 204 of the Local Government Act, 2001 and comprises an authorised person for the purposes of the Local Government Act, 2001(Byelaws) Regulations 2006 [S.I. No. 362 of 2006] or any Act or Regulation extending or amending the same.

"Bulky waste" includes items such as fridges, furniture, carpets etc which will not fit in a wheeled-bin.

'Bring Bank Receptacle' means any container approved by the Council which is placed in a designated Bring Bank site by the Council for the purpose of facilitating the recovery of specified household waste.

'Bring Bank Site' means a location where one or more bring bank receptacles for the purpose of facilitating the recovery of specified household waste have been provided by or with the approval of the Council.

"Commercial Waste" has the meaning assigned to it in the Waste Management Act 1996 as amended.

"Dry Recyclables" include the following materials:

- Paper
- Light card/cardboard
- Steel cans
- Aluminium cans
- Polyethylene Terephthalate (PET) plastic bottles
- High Density Polyethylene (HDPE) plastic bottles
- Beverage cartons
- Any other material specified by order of the Council.

"Footpath", "footway", "public road" and "roadway" have the meaning assigned to them by Section 2(1) of the Roads Act, 1993.

"Household Waste" has the meaning assigned to it by the Waste Management Act 1996.

Local Authority – means a Local Authority as defined in the Local Government Act 2001, the Waste Management Act, 1996 and all or any other Acts or Statutory Instruments referred to in these Bye-Laws and any amendment or replacement thereof.

"Microchip" includes any electronic device capable of being implanted in or attached in any way to a wheeled bin and which is used for the purposes of recording, storing, sorting, calculating, migrating and/or using data of a business or technical nature concerning use of the wheeled-bin in which it is implanted or to which it is attached.

"Responsible Person" shall mean -

- (a) in the case of private rented dwellings, dwellings provided by a Local Authority or a Body approved under Section 6 of the Housing (Miscellaneous provisions) Act 1992, dwellings rented by Local Authority tenants and commercial properties (other than properties referred to in paragraph (b) hereof) the occupier
- (b) in the case of properties forming part of managed complexes, providing communal waste disposal facilities the person or persons managing the complex.
- (c) in all other cases, the owner

"Service" shall mean the service of the collection disposal and/or recovery/recycling of waste by a service provider.

"Service Provider" shall mean a person who, for the purpose of reward, with a view to profit or otherwise in the course of business, collects waste, under a Waste Collection Permit granted under the Waste Management (Collection Permit) Regulations, 2007 as amended and which is for the time being in force.

"Prescribed time" means such days and such hours of the day as may be fixed from time to time by a Service Provider for the collection of household waste or commercial waste, as the case may be, from any premises by such Service Provider.

"Premises" the premises includes part of any premises let or occupied as the separate unit whether or not the person to whom it is let or the person who occupies it shares with any other person any accommodation, amenity or facility in connection therewith or any portion of the premises.

"Prescribed place" in relation to any premises means a convenient place immediately outside the entrance to a premises or as close as practicable but not in a position to cause an obstruction to users of the roadway, footpath or footway.

“**Vermin proof container**” means a metal or heavy plastic vermin proof receptacle in which prepaid refuse sacks provided by a Service Provider are to be placed for presentation for collection by the waste service provider.

“**Waste**” has the meaning conferred by the Waste Management Act, 1996 save where otherwise provided in these Bye-Laws.

“**Waste Receptacle**” means a receptacle designed to hold or store waste pending its presentation for collection and disposal.

“**Wheeled-bin**” means a receptacle which complies with the standards for mobile waste containers specified in I/S. EN 840-1; 1997 (part 1 - 6 inclusive) and which is used for the purposes of presenting household waste or commercial waste for collection and disposal and shall be deemed to include a reference to any microchip provided thereon, if fitted or retrofitted at any time.

PART 11

Obligations on the Holders of Waste

5. Presentation of Waste for Collection

A Responsible Person who has a contract with a service provider for the collection of waste **shall ensure that:**

- (1)
 - (a) Waste is presented at the time and place as set out in the Contract for collection by the Service Provider and is wholly contained within a wheeled bin or in a prepaid refuse sack provided by the service provider which is placed in a vermin proof container or such other receptacle provided or approved by Louth County Council.
 - (b) paragraph (a) shall not apply to the presentation for collection of baled cardboard by commercial premises provided such bales are securely bound.
- (2) ONLY such waste as covered by the terms of the Contract is presented for collection.
- (3) Whatever directions are given to him or her generally by public notice or otherwise, by such Service Provider (or Louth County Council) are complied with.
- (4) Waste is not presented for collection in a wheeled-bin or vermin proof container in circumstances where the wheels or lid of such wheeled-bin or vermin proof container

have been removed or damaged or in circumstances where such wheeled-bin or vermin proof container has been damaged to such an extent that it is not fit for the purpose for which it was designed or is not capable of being conveniently emptied.

- (5) The wheeled bin / vermin proof container containing waste for collection has its lid fully closed and, where possible with the handle of the wheeled-bin pointed in the direction of the public road.
- (6) Bulky waste shall not be presented in the ordinary household waste collection.
- (7) Waste is not presented for collection earlier than 6.00 pm on the day prior to collection and wheeled-bins / vermin proof containers are not permitted to remain outside any premises after the day of collection.
- (8) Commercial waste comprising any product or substance or packaging, is not placed or deposited or caused to be placed or deposited in a wheeled-bin/vermin proof container in contravention of Regulations made under Section 29 of the Waste Management Act, 1996.

6. Storage of Waste

A Responsible Person shall (unless otherwise authorised by Louth County Council) ensure that:-

- (1) Wheeled bins/vermin proof containers and waste receptacles are kept within the curtilage of that persons premises save and except when placed on a foot path, footway , a public road or roadway for collection by a service provider
- (2) Wheeled bins / vermin proof containers and waste receptacles are kept in proper condition and repair, and in particular in such a condition and state of repair that any microchip implanted therein or in any way attached thereto shall remain clean, undamaged intact, in repair and capable of use for its intended function.
- (3) A microchip implanted or in any way attached to a wheeled bin / vermin proof container or waste receptacle is not removed damaged, destroyed, tampered with, rendered inoperative or otherwise interfered with..
- (4) Proper care is taken of wheeled bins / vermin proof containers and waste receptacles and that in the event of damage thereto to such extent as to prohibit their use for their intended function to replace same at his /her/its own expense..
- (5) The Service Provider shall have access to wheeled bins / vermin proof containers and waste receptacles for the purpose of replacing, repairing or reading microchips or identifying marks or labels attached thereto
- (6) Waste placed in a wheeled bin / vermin proof container or waste receptacle is

placed therein in such a manner as to allow the wheeled bin to be conveniently emptied and in such a manner as shall not be liable to escape or fall therefrom

- (7) Hot ash or other waste material likely to damage a wheeled bin / vermin proof container or waste receptacle or cause injury to any person is not placed therein
- (8) A responsible person who removes or causes to be removed any waste produced upon his/her or its premises, shall not in the process of removal permit such waste to fall on or remain on any footway, footpath, pavement or roadway, nor shall he or she allow the same to be deposited upon any such footway, footpath, pavement or roadway, by any person acting directly for him or her.

7. Types of Waste

Where a responsible person avails of a separate segregated collection, provided by a Service Provider he or she shall in presenting waste for collection place the appropriate waste in the wheeled bin, or alternative system as approved by Louth County Council, which is labelled to identify the method of separate collection. The segregated service is listed by product in Schedule 1 of these Byelaws.

8. Apartment, Commercial, or other Managed Complexes

A Responsible Person in charge of an apartment, commercial or other managed complex must as a minimum:-

- (1) If there are greater than 10 units in the complex, provide, maintain, service or arrange a service for the following segregated waste streams of household packaging, glass (clear, green and brown), aluminium cans and plastic bottles.
- (2) If there is an available service, provide separate segregated receptacles, approved by Louth County Council, for the holding, storing and collection of dry recyclables and ensure that a collector authorised under the Waste Management (Collection Permit) Regulations, 2007, as amended is engaged to service these receptacles.
- (3) If there is an available service, provide separate segregated receptacles, approved by Louth County Council, for the holding, storing and collection of organic waste and ensure that a waste collector authorised under the Waste Management (Collection Permit) Regulations, 2007, as amended is engaged to service these receptacles.
- 4) Provide waste receptacles of adequate size and number to cater for the number of units in the complex.

- 5) Ensure that approved waste receptacles are accessible at all times by all tenants and occupiers but are not accessible by non-residents of the apartment complex.
- 6) Register with the Council under this Bye-Law on the form contained in Schedule 2 and pay a registration fee of €200, together with an annual monitoring fee of €100 to the Council to be adjusted in line with the Retail Price Index.

9. General

- (1) Where any wheeled-bin or vermin proof container is or remains in the prescribed place during the prescribed time it shall be deemed to have been placed in the prescribed place by a Responsible Person with the intention that it be presented for collection of the household waste or commercial waste therein, as the case may be, and that the Service Provider, its servants or agents, has or have full and irrevocable authority to undertake the collection of the waste therein and to take such readings, migrations or down loadings of information or other data from any microchip implanted therein or in any way attached thereto
- (2) A Responsible Person presenting household waste or commercial waste shall allow the Service Provider, by contractors, servants or agents, to fit, retrofit or replace a microchip thereto.
- (3) A Responsible Person presenting household waste or commercial waste for collection shall at all reasonable times, allow and permit the Service Provider to access any microchip implanted or in any way attached to a wheeled-bin for the purpose of examining any such microchip and for the purposes of reading or otherwise taking any data or other information therefrom.
- (4) A Responsible Person shall not willfully obstruct, disturb, interrupt or annoy any employee of a Service Provider in the removal of household waste or commercial waste, as the case may be, or any person or servant of any person employed by a Service Provider in the removal of household waste or commercial waste, as the case may be.
- (5) A Responsible Person disposing of glass products shall ensure that same are placed only in receptacles specifically designated for receipt of glass.

10. Use of Waste Recovery or Disposal facilities other than facilities provided by a service provider.

- (1) The use of bring bank receptacles to dispose of waste shall be restricted to householders and individual members of the public only and shall only be used for the storage/holding of designated materials, i.e. clear/brown/green glass, aluminium cans and plastic bottles or other materials as may be prescribed from time to time by the Local Authority. Holders of commercial waste are prohibited from using these facilities.
- (2) Waste shall only be transferred to a service provider or an approved waste disposal facility.
- (3) A Responsible Person who transfers waste to a person other than a Service Provider shall maintain a record as to the nature of the waste transferred and the date and place of such transfer. Such record shall include a receipt on the headed notepaper of the operator of the facility at which the waste is transferred.
- (4) A Responsible Person shall maintain the records and receipt referred to in the immediately preceding subparagraph for a minimum of 12 months from the date of disposal of the waste and shall on being so requested by an authorised person, furnish same to that person.

PART 111

11.

Offences

- (1) A person who contravenes any provision of these Bye-Laws shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,900.00

- (2) If the contravention of a provision of these Bye-Laws is continued after conviction, the person causing the contravention shall be guilty of a further offence and shall be liable on summary conviction to a fine not exceeding €12500 per day.
- (3) An Authorised Person may request any person who appears to be contravening or to have contravened a provision of these Bye-Laws to refrain from such contravention and that person shall comply with the request of the Authorised Person.
- (4) A person who refuses to comply with a request of an Authorised Person as referred to in the immediate preceding sub article or who obstructs or impedes an Authorised Person in the exercise of his/her functions under these Bye-Laws shall be guilty of an offence.
- (5) Where an Authorised Person is of the opinion that a person is committing or has committed an offence in relation to the provisions of these Bye-Laws, the Authorised Person may demand the name and address of such person and if that demand is refused or the person gives a name or address which is false or misleading, that person shall be guilty of an offence.
- (6) Where an offence under these Bye-Laws is committed by a body corporate and the offence is proved to have been committed with the consent or connivance of, or be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body or any person who was purporting to act in any such capacity, that officer or person, as well as the body, shall be guilty of the offence.
- (7) Where the affairs of a body corporate are managed by its members, sub-article 6 shall apply in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director of the body corporate.
- (8) The Council may issue a person or body corporate that contravenes any provision of these Bye-Laws with a Fixed Payment Notice specifying that if an amount of € 75 is paid within 21 days of the date on which the Notice was issued, the Council shall not proceed with a prosecution. Notice of the fixed payment shall be in the general form of the notice in the Third Schedule to these Bye-Laws.

Schedule 1

The following waste streams must be sorted at the household and placed in containers provided for that purpose:

Paper waste, i.e. newspaper, magazines, junk mail, leaflets/circulars, cardboard

Residual Waste

Garden Waste

Organic Kitchen Waste

Aluminium Cans

Steel Cans

Plastic Bottles

Beverage Cartons

Beverage Cartons

GREY BIN	GREEN BIN	BROWN BIN
Residual Waste	Dry Recyclables which may include the following Paper Waste Aluminium Cans Steel Cans Plastic Bottles Beverage Cartons	Garden Waste Organic Kitchen Waste

Schedule 2

Application to register with Louth County Council under Article 8(6) of the County of Louth (Presentation and Collection of Household Waste and Commercial Waste) Bye-Laws, 2008.

Name of Owner of Management Company
(Copy of Certificate of Incorporation to be attached, in case of company)

Name of Apartment Complex

Number of individual Dwelling Units

Dry Recyclables

Number of Dry Recyclable Collection Bins Provided

State size of each Receptacle

Name of Service Provider and Collection Permit No.

Organic Waste

Number of Organic Waste Bins Provided

State size of each Receptacle

Name of Service Provider and Collection Permit No.

Residual Waste

Number of Residual Waste Bins Provided

State size of each Receptacle

Name of Service Provider and Collection Permit No.

Glass

Number of Glass Bins Provided

State size of each Receptacle

Name of Service Provider and Collection Permit No.

Registration Fee Enclosed of €200 on behalf of [Company Name]

Signed by Company Secretary

Date

SCHEDULE 3

<p>THE COUNTY OF LOUTH PRESENTATION AND COLLECTION OF HOUSEHOLD WASTE AND COMMERCIAL WASTE BYE-LAWS 2008</p>

NAME OF LOCAL AUTHORITY: **LOUTH COUNTY COUNCIL**

TO:

Name: _____

Address: _____

It is alleged that you have contravened the provisions of Bye-Laws made under inter alia Part 19 of the Local Government Act, 2001 entitled County of Louth (Presentation and Collection of Household Waste and Commercial Waste) Bye-Laws 2008

.....
by.....

.....
(in general terms specify nature of contravention) at

.....
on During this period of 21 days beginning on the date of this notice you may pay the sum of €75, producing/attaching this notice, at any of the offices of Louth County Council which are located at (1) County Hall, Millennium Centre, Dundalk, Co. Louth (2) Town Hall, Dundalk, Co. Louth (3) Drogheda Borough Council Offices, Fair Street, Drogheda, Co. Louth, Ardee Civic Offices, Fair Green Ardee, Co. Louth.

A prosecution in respect of the alleged contravention will not be instituted during the said period and if the sum of €75 is paid during that period, no prosecution will be instituted at any time in respect of the said alleged offence.

Signed: _____ **Date:** _____
(Authorised person)

IMPORTANT: Payment will be accepted at any of the offices of Louth County Council and must be accompanied by this notice. Payment may be made by post. Cheques etc., should be made payable to Louth County Council.

A receipt will be given.

You are entitled to disregard this notice and defend the prosecution of the alleged contravention in Court.

**MADE AND ADOPTED UNDER THE CORPORATE SEAL
OF LOUTH COUNTY COUNCIL**

ON THIS DAY OF 2008

**PRESENT WHEN THE COPORATE SEAL OF THE
COUNCIL WAS AFFIXED**

CATHAOIRLEACH / NOMINATED MEMBER

COUNTY MANAGER

DIRECTOR OF SERVICES